

# **SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES**

**JULY 24, 2018**

Chairperson Robert Bender called the meeting to order at 9:32 a.m.

Notice of the meeting was provided to the State House Press Corps and the Secretary of State and filed as required by the Open Public Meetings Act. In attendance were School Ethics Commission (Commission) members Michael Carucci (arrived at 9:40 a.m.), Michael Collins, Mark Finkelstein, Dan Kaplan (participated via telephone), Dennis Roberts, Jude Tanella (participated via telephone), Richard Tomko, and Chairperson Bender.

Also in attendance were Kathryn Whalen, Director, Offices of School Ethics and Compliance, staff members Jeannine Pizzigoni and Karin Molnar, along with Deputy Attorneys General (DAsG) Donna Arons and Geoffrey Stark (departed at 10:00 a.m.).

**9:34 a.m.** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adjourn to Executive Session to discuss confidential matters and to obtain legal advice regarding the following complaints and matters involving possible litigation: C18-18; C22-18; C30-18; A26-18; A27-18; A10-18; A18-18; A19-18; A22-18; A23-18; A24-18; C26-18; C27-18; C28-18; C37-18; Doctrines of Necessity filed by the Perth Amboy, Hasbrouck Heights, Wayne Township, and Lodi Boards of Education; T26-17; Superior Court of NJ, Law Division, Dkt.# MID-L-1814-18; C09-15; C23-18; and A25-18. Vote: 8 – Yes 0 – No

**11:54 a.m.** Open Session

**11:57 a.m.** Return to Executive Session

**12:01 p.m.** Return to Open Session

## **Complaints to Review**

**C18-18** Motion was made by Michael Collins, and seconded by Mark Finkelstein, to draft a decision as discussed. Vote: 5 – Yes 2 – No 1 – Abstention (Dennis Roberts abstained)

**C22-18** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to draft a decision as discussed. Vote: 8 – Yes 0 – No

**C30-18** Motion was made by Michael Collins, and seconded by Richard Tomko, to draft a decision as discussed. Vote: 8 – Yes 0 - No

### **Advisory Opinions**

**A26-17** Motion was made by Michael Collins, and seconded by Michael Carucci, to advise as discussed. Vote: 8 – Yes 0 - No

**A27-18** Motion was made by Michael Carucci, and seconded by Mark Finkelstein, to advise as discussed. Vote: 8 – Yes 0 - No

**A10-18** Motion was made by Michael Collins, and seconded by Richard Tomko, to make this Advisory Opinion public. Vote: 7 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained)

**A18-18** Motion was made by Dennis Roberts, and seconded by Michael Collins, to adopt this Advisory Opinion as written. Vote: 6 – Yes 0 – No 2 – Abstentions (Jude Tanella and Richard Tomko abstained)

**A19-18** Motion was made by Mark Finkelstein, and seconded by Michael Collins, to adopt this Advisory Opinion as written. Vote: 6 – Yes 0 – No 2 – Abstentions (Jude Tanella and Richard Tomko abstained)

**A22-18** Motion was made by Michael Carucci, and seconded by Michael Collins, to adopt this Advisory Opinion as written. Vote: 6 – Yes 0 – No 2 – Abstentions (Jude Tanella and Richard Tomko abstained)

**A23-18** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt this Advisory Opinion as written. Vote: 6 – Yes 0 – No 2 – Abstentions (Jude Tanella and Richard Tomko abstained)

**A24-18** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt this Advisory Opinion as written. Vote: 6 – Yes 0 – No 2 – Abstentions (Jude Tanella and Richard Tomko abstained)

### **Administrative Dismissals**

**C26-18** Motion was made by Dennis Roberts, and seconded by Michael Carucci, to add this matter to the agenda. Vote: 8 – Yes 0 - No

**C26-18** This matter was on the agenda for informational purposes only.

**C27-18** This matter was on the agenda for informational purposes only.

**C28-18** This matter was on the agenda for informational purposes only.

**Other Business**

**C37-18** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to add this matter to the agenda. Vote: 8 – Yes 0 - No

**C37-18** This matter was on the agenda for informational purposes only.

**Doctrines of Necessity** Chairperson Bender acknowledged receipt of Doctrines of Necessity submitted by the Perth Amboy, Hasbrouck Heights, Wayne Township, and Lodi Boards of Education.

**T26-17** Motion was made by Michael Collins, and seconded by Richard Tomko, to adopt the Resolution of Removal as written. Vote: 7 – Yes 0 – No 1 – Abstention (Dennis Roberts abstained)

**Superior Court of NJ, Law Division, Docket #MID-L-1814-18** This matter was on the agenda for informational purposes only.

**C09-15** This matter was on the agenda for informational purposes only.

**C23-18** This matter was on the agenda for informational purposes only.

**A25-18** This matter was on the agenda for informational purposes only.

**N.J.A.C. 6A:28 Discussion** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to add this matter to the agenda. Vote: 8 – Yes 0 – No

**N.J.A.C. 6A:28 Discussion** Director Whalen briefed the Commission on the process for reviewing, and proposing revisions to, the regulations that govern the Commission’s implementation of the School Ethics Act (Chapter 28). It was recommended, and agreed, that a committee consisting of Chairperson Bender, Mark Finkelstein, Richard Tomko, and Michael Carucci would meet, and bring suggested revisions to the Commission for further discussion and feedback. The committee will hold its first meeting following the Commission’s August 28, 2018, meeting.

## **Minutes**

Motion was made by Dan Kaplan, and seconded by Mark Finkelstein, to adopt the minutes of the June 25, 2018, meeting as written. Vote: 6 – Yes 0 – No 2 – Abstentions (Jude Tanella and Richard Tomko abstained)

**12:20 p.m.** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adjourn. Vote: 8 – Yes 0 - No

I hereby certify that the minutes were duly adopted by the School Ethics Commission at its public meeting on August 28, 2018.

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Kathryn A. Whalen, Director